THE

Ignoramus Justices:

Being an ANSWER to the

ORDER of SESSIONS at *Hicks's-Hall*,

Bearing Date the 13th of *January*, 1681. Wherein it plainly appears, the said ORDER is against Law.

ALSO

A short Account of all the ACTS that relate to

Protestant Dissenters

At this day in force against them, which will appear only two, *viz.* The Act made in the 22 year of this King, intituled, *An Act against Conventicles.* The other, called, *The* Oxford *Act, or Five mile Act*, made in the 17 of this King.

AND ALSO

An Account of such Acts as are in force against *Popish Recusants*, which are now so industriously endeavoured by those Justices as well as others, to be turned against the *Protestant Dissenters*; And wherein it will plainly appear, there is no ground for such Proceedings.

And hereunto is also added

A brief Account of the Penalties and Forfeitures of those Acts, and some Directions to the Officers that may be threatned or persuaded to Act by such Unwarrantable Orders from such *Ignoramus Justices.*

By *Drawde Kekatihw.*

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Ignoramus Justices:

Being an ANSWER to the ORDER of SESSIONS at *Hicks's-Hall*,

Bearing Date the 13th of *January*, &c.

THE Author hath no other Design in publishing these Sheets, than what the worthy Justices of *Middlesex* pretend by their ORDER, *The good Peace and Welfare of the Countrey.*

And here, because the ORDER comes out in Form of a Proclamation, with the King's Arms in the Front, I shall treat it with all the Modesty and Civil Terms imaginable; yet I must needs reflect upon the Title of this *Middlesex* ORDER, because I find it Lame, as well in the Latine, as the Form: For the Title, though it be not above three lines, yet one of them is lame Latin; it saith in the second line, (viz.) *Post festum Epiphaniæ scilicet tertio decimo die* Januarii, &c. Now with Mr. *Adderly's* good leave, that drew up the learned ORDER, it might better have been *decimo tertio die* Januarii. And that in an ORDER published in this Magisterial Form, Mr. *Adderly* should take no more care, but stumble at the very Threshold, is very strange, something like his being heretofore mistaken in a Cause of his own against the Earl of *Shaftesbury*, wherein he as ignorantly confesses in open Court, that he had bought the place of *Clerk of the Peace* some time ago for a great Sum of Money; which the Court observing, told him, That instead of helping himself by the abusive Action he had brought against the Lord, he had now abused himself, by that confession of buying his Place, for now by Law he could not hold it, having forfeited it, as by the Act made in the 5th and 6th of *Edw.* VI. cap. 16. *Michael.* Term, *Car.*

But to let Mr. *Adderly* alone, and come to the order in Substance, having done with the title, and therefore not to medle with what has been said before in a late paper, *Intituled, An Answer to the Justices of* Midlesex *Order*, as to their insinuating to the people their tender care of his Majesties Gratious Order, which the Justices made as a preamble to theirs; nor to mention what was there hinted in that paper of the Justices Acting contrary to the Vote of Parliament, and the many other absurdities in their former Order, of which that paper sufficiently as well as justly condemns. But my design is to lay these Gentlemen more open, as their Merits deserve, from the second excellent Order.

The first Order I suppose was put forth as a Tryal of skill, or more properly an experiment was intended to be made by them, whether or no the Constables and other Officers would willingly be made Informers by Intreaty, Force, or Compulsion at their Arbitrary will and pleasure of these Worthy Justices, under a pretence of Law, and it may be 'twas to try how fit the Officers backs were for a Pack-Saddle, or their Feet for wooden Shoes, against the time that some men fear should be tried upon English Bodies; if the Justices had this reach with them, it was most excellent and rare, tho it did not absolutely satisfie their full desires, as indeed by this Order now they seem to own in part (that is) that full Obedience was not paid to the former Order of the 22 of *December* last by some, which appears by their own shewing in this second Order (*viz.*) To which Order obedience was given by many of the said Officers, but others appearing in Court did contemn their Authority, for which contempt several fines were by the Court set upon them, &c. So thus it appears by their own shewing a kind of party *perpale* some did obey, and some did not; some did pin their Faith upon the Justices's Sleeves, where no Law commanded them so to do, as the *By-gott* Church men do upon the *Popes* and Priest Sleeves, but others did not, therefore they were fined for their Obstinacy, and for not learning more Manners and Obedience to the Justices Order, I had almost said *Bulls*. Well then since it is so, that some did obey and some did not, in charity to those that did not I must take leave to consider the Point; for these Non-Conforming Officers for their Comfort I may assure them, that neither the Justices at the Sessions when that Order of *December* was made, nor the Justices at the quarter Sessions when this Order of the Thirteenth of *January*, was made, had any power by the Conventicle Act of the 22 of this *King*, to medle or make therewith as a Court, either by such Orders as these, or any other wayes as a Court at the Sessions, and that appears thus in the 22*d*. of this *King*. (*viz.*)

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It shall and may be Lawfull to and for any one or more Justices of the Peace of the County, &c. Wherein the Offence aforesaid shall be committed. And he and they are hereby required, &c. Upon Proof to him or them respectively made of such Offence, either by Confession of the party, or Oath of two Witnesses, &c. To make a Record of every such Offence under his or their hands and Selas respectively, which Record so made, &c. Shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender, &c.

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Now what agreement the Reader can find in this Clause with this Order, is worthy the Consideration, for this Clause saith expresly, *One or more Justices of the Peace shall act upon the Oath of two Witnesses, and so make a Record and thereupon Act.* And the Order saith, That *for not executing their Order grounded upon the Act, as the Justices would have the World* believe, *they have fined those Officers for not obeying the same*; though there is not one word in the Order, that makes mention of a Conviction of any particular person upon Oath, or a Record made before them of the Offenders, which ought to have been done before any Constable or other Officer can or ought to obey them upon this Clause.

In the next place, it appears not in this Clause, nor no other in the whole Act, that the Order is rightly grounded; for the general or quarter Sessions have no power in the least to make any Orders upon the Act, nor indeed to act upon this Law, unless by way of Appeal of the Defendant, and at his instance against the Justices actings upon the Convicting of any one by the Witnesses, this appears *most plain in the sixth Section*, viz. *Provided, &c.*

That in all Cases of this Act, where the Penalty or Summe charged upon any Offender exceeding the Summe of ten shillings, and such Offender shall find himself agrieved, it shall and maybe lawful, &c. To appeal in Writing, &c. To the judgment of the Justices of the Peace in the next quarter Sessions, &c.

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Now here is all that is mentioned in the Act that Relates to the Sessions, and whether this will any way support the Order or is directly opposite to the Order, let the Reader be judge, and certainly if those Justices, as they pretend, have fined any person for not obeying their former Order by which the Officers were commanded to turn Informers, and to give in their Information at the next Sessions, I doubt not but these Persons so fined or Imprisoned, will Traverse those Fines, and take a legal Course with those Justices that Committed them, because they would not Act upon such unlawful Warrants and Orders which have no Coherence with the Act. And this I must observe by the way, that all Penal Statutes, especially such an one as this which convicts a man without Juries, must be exactly observed to the very Letter, and not to the extravagant lence of Petty Justices, which will pull business into their Courts of Sessions that they have not the least warrant or colour for and against the expres Law they pretend to Act by.

In the next place the Order goes on, viz. *And whereas this Court hath thought fit to make another Order to the same end and purpose, and hath given the said Officers time to make their return upon it the first day of the next quarter Sessions*, &c. *Which mild way of proceedings this Court hopes will prevail upon the mindes of all Sober Persons, both Preachers and Hearers, in Conventicles to avoid all occasions which may induce this Court to inflict such Penalties upon them as by Law are appointed to such Offenders*, &c. Now be pleased to marke the Coherence of this wise Order, not only in that there is no semblance with the Act, but how it is jumbled together, as if the Constables and Officers, *&c.* were not the persons spoke to for to do the Justices Work, but as if their Order should hit the Conventicles through those under Officers, or as if by threatning the sending of Thunder-bolts amongst the Constables, *&c.* Under the name of a Court, should hit every man else whom they imagine are Conventiclers, let us consider a little this wise Order in this part: for as it saith, *Since they did not do their Duty before, but was obstinate some of them, now they shall have longer time*, and why longer time, because the Conventiclers being supposed Sober men may thereby take warning by the Court: Now I would know of those Justices, if in the whole Act any mention is made of a Court to have any such power, in the next place what have the Conventiclers, if Sober men, to do between the Constables, *&c.* And the Justices certainly, if the Conventiclers be sober or not sober, they have no concern in the Justices and the Constables quarrels, at least till by name they are convicted, but how can this stand with reason that the Justices pretend, *viz. That Seditious Conventiclers are disturbers of the Peace*, as by the Order and the Act seemes to confirm; and yet at the same time the Order calls such Sober men, certainly it was the first time that ever any Court

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called Disturbers of the Peace sober Men; but if it shall be admitted by the Justices, that all Conventiclers are sober Men, how will that agree with the same Order, in the next Part, that calls Breakers of the Peace, and a danger even to the Monarchy it self, and keep up the Divisions that are amongst us, certainly no sober Man can do such things, yet all such Men as do meet in a Seditious, Riotous manner, under colour of Religion, with Force and Arms, do break the Peace, and therefore cannot be called sober Men.

But I suppose the Justices have this reach with them, that since they have made the first learned Order, and no notice taken of it, they are resolved by this Order to shew themselves moderate Men, such as would do something to continue their places, though it be but to make a noise in the County: Therefore I shall say no more to them as to this part of the Order only; but that if sober Men do meet to worship and serve God by singing of Psalms, Praying and Preaching, not under a pretence of serving of God, but in reality, then both as a Court, or as single Justices, nor yet their Officers, whom they so hotly pursue, can meddle or touch such by this Act, or any other Law. And if they have any Information of any other Meetings, they will do well to extend their power for the suppressing them so far, as the Act of the 22 of this King, or the Common Law allows them: And if they venture farther, let them look to it, there is the same Law against them, as against other Men.

There is another passage cannot be omitted to be taken notice of in that Order, which is, viz. *Which in all probability will destroy both Church and State. This is the Opinion of this Court, and of the Justices with whom His Majesty hath been pleased to intrust the Peace of this County, which makes them not sit still and suffer a few obstinate Persons, rather by noise, than Number, to disturb the peace of it.*

Well done, careful Justices of *Middlesex*, what a Comfort must it needs be to His Majesty, that He hath been blessed with such good Justices, careful, diligent, foreseeing men; But now I would fain know, if these good Justices of *Middlesex* are only intrusted with the Peace of the County, or if the High Sheriff of *Middlesex* and the Lieutenants, Deputy Lieutenants, High Constables, Petty Constables, *&c.* Are not as well trusted with the care of keeping the Peace as well as the Justices, though indeed they are not Justices upon the Bench, yet sure as great a Trust, if not greater, is reposed in these Officers as well as these worthy Justices, and therefore in Civility sure it had not been amiss if these Justices had given a little Honour to others as well as all to themselves; but let them alone at present, and let us come to the matter more fully, than to dispute their Stewardship.

They tell us Conventicles in all probability will destroy both Church and State, from whence we may perceive that they are not only intrusted with the

the Peace of the Kingdom but more than probable are endowed from above with the Spirit of Prognostication too, or at least a very great foresight far beyond our late Parliaments; for they could not see one half so far, though I dare not mention that too much, for fear of the snarling Popish Curs (the word Parliament or House of Commons) being but once named, unless to Ridicule it, is enough in our days to be Termed a *Whigg* or a *Phanatick* at least; But may not this question be put without offence to any, that is, Why how come this jealousie now all of a sudden, or *Alamode de France*, more now than it hath been these 19 or 20 years last past, can the Justices instance in one Riot or Disturbance of the Government, either in Church or State, all this while they have been Tollerated both before and since the Declaration for Indulgence, by the Conventiclers; and pray how comes it, The Justices at the Court of *Hicks's-Hall* did not foresee it sooner, but it may be the late Blazing Star hath now enlightned their eyes which before were darkened; however if it be so, the Conventiclers have cause enough for ought I see, to be very angry at the Blazing-Star for enlightning their eyes now against them, when a Parliament is so far off from helping them; however the Justices are very modest, for they only give it as their opinion, but this their opinion they tell us makes them not sit still; indeed if they should sit still, it might be a thing of dangerous Consequence, even no less than the hazard of the Church and the whole Kingdom, if their Prognostications be true: but I do not wonder if they cannot sit still themselves when all is in danger, for by and in another part of the Order, you will finde they cannot so much as let the Bishop sit still neither, as we shall see hereafter. But let us proceed further as to this part of the Order, and you will finde that all the great cause of these Justices fear arises but from a very small thing, next to nothing, for they tell you, *They cannot sit still because of a few obstinate Persons rather by noise, than numbers, do disturb the Peace.* Now if it be true that it be but a few, it may be answered then, what need all this noise of the Justices, sure a few of these Conventiclers may easily be dealt with without all this ado, as if the King and Kingdom were at Stake; And if it be true, that they make more a noise than number, methinks the Justices should by the course at the Common Law, silence their noises, and not be beholding to the Act, that gives the Court of Sessions no power at all to act by; and how is it possible that such a few making a noise, can disturbe the Peace of the whole Kingdom, and bring ruine upon it, as the Order affirms.

But to make a full mends for all their Jealousies and Fears, in the next place they tell us, viz. *They do esteem it a Duty incumbent upon them, to use all lawful Experiments which may beget Union amongst His Majesties Subjects*, &c.

Now here they have hit the Point, *Uniting of Subjects*; that is, prosecute

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the Conſtables, and Under-Officers, becauſe they will not turn Informers contrary to Law, and Preſent and Convict the ſober Proteſtant Diſſenters that go to Meetings in a peaceable manner; this is the Juſtices way, or rather the Courts Order, to have Union among His Majeſties Subjects; but I ſuppoſe the Order means Popiſh Subjects, for no Man of Senſe can ſay this is to unite the Proteſtant Subjects.

Well, but what follows in the next place, that the Juſtices at the Court may be both amiable and admirable, and a Pattern and good Example to all Juſtices of other Counties, as well as their own, as they were in the late Addreſſes and Preſentment, they have gone a great deal further than the common ſort of Loyal Subjects, for being jealous, I ſuppoſe, of their own power, by the Law of the Land, you will find in the next place, to ſhew their great Zeal for the Uniting of His Majeſties Subjects, they have not ſtuck to ſet the Biſhops Courts to work, to Excommunicate theſe few noiſe Hereticks, for in the next Part of the Order, it follows, *viz.*

It is therefore by this Court deſired, That the Lord Biſhop of London *will pleaſe by ſuch methods,* &c. *to direct,* &c. *as in wiſdom he ſhall,* &c. *within his Juriſdiction, to uſe his utmoſt endeavors that all ſuch Perſons may be Excommunicated, who ſhall commit Crimes deſerving Eccleſiaſtical Cenſure,* &c.

So that by this it ſeems, the very Juſtices themſelves then believed they had not Law enough to puniſh thoſe Conventiclers, or elſe by the Order it ſhews them moſt cruel and inhumane. What, muſt the Conventiclers be puniſhed both ways at once, both Common Law and Canon Law? Loſe their Eſtates by the Act, and their Souls by the Spiritual Court too? This is ſure more inhumane, than *France* to their Diſſenters that are fled over here; they do but take away their Eſtates and Children, but not their Souls that they eſcape over here with. Well, ſince it is ſo, that the *Engliſh* Diſſenters muſt be thus dealt with, it is time to look about them, and conſider the Biſhop's power as well as the Juſtices.

But before we ſay any thing of that, we muſt conſider the Order a little more as to this Head, and that is, how the Clergy came to be ſtirred up by the Lay-men, to proſecute the People about their Souls health. It is true, we often find in the Popiſh time, that the Clergy and great Biſhops have often incited and ſtirred up the Magiſtrates and Lay-men to burn the Hereticks, and keep them in Priſon upon the Writs, *De Heretico Comburendo*, and *De Excommunicato Capienda*, and to ſupplicate the Courts for theſe Writs and Proceſs againſt the Excommunicated; but never was it heard before, that the common Lawyers or Juſtices ſued to the Biſhops, for their Fellow-Subjects and Brethren to be ſent to Hell: If this be Law, and to keep the Peace of *Middleſex*, then pray let us complain no more of the *French* King uſing his Proteſtants hardly; for ſure to any unbyaſs'd Man, this looks ten times worſe than the *French* Perſecution, being little leſs than to incite the Biſhops to diſturb the

Publick Peace, and to use an Arbitrary Power, like their own designs. But now, after this malicious incitation of this Order, to shew the reason of their instructing or inciting the Bishop, to send the Souls of Hereticks to Hell, they make this further improvement of it, in case they can get the thing done; and they have this great design in it, that all such as are so Excommunicated, do not only lose their Souls, being given up to Satan, but also they lose all their earthly Freedom and Enjoyments, as *English-men*, as the Justices by this learned Order conceive, and therefore as a further mischief or kindness to the Publick, by way of Caution, they lay down the Evils that attend this dreadful thing of Excommunication, which is, viz. *And to the end that all His Majesties Subjects may know what Inconveniences do attend that Punishment, this Court thinks fit to publish, That no Excommunicated Person may be a Witness, or Returned upon Juries, or to Sue for any Debts*, &c.

Really if this be so, what a miserable condition shall His Majesties Subjects be in that go to Conventicles, if they must both lose their Estates, and then their Souls, and be neither Jury-men, Witnesses, nor sue for Debts, What shall they do then, if this be true? But, as good Luck is, the Justices have as little Law here to back them in these Assertions, as they have Law for their Orders; For, with their good leave, there is no Law to bar any Man that is Excommunicated from suing for his Debt: Nor is there any Law that disables a Man from being a Jury-man that is Excommunicated, unless he be taken upon the Writ, and then indeed he cannot be a Jury-man, until he be at Liberty: No more can a Prisoner, which is a Prisoner for Debt, be a Jury-man, until he have his Liberty to come out; and with, or without the leave of the Justices, a Person Excommunicated may be as well a Witness as any other Person; nay, a Person Outlawed may be a Witness: So that it appears this Order was made without Book, as well as without Law.

There is another Passage in the Order which I cannot pass over, and that is more Gall yet; but before I take notice of that, I must take leave to tell these worthy Justices of the Court that made this learned Order, that they have implored help of those that are as Lame and Insufficient in Spiritual Jurisdiction as to Excommunication, as they the Justices are in their Temporal Punishments; for that in truth, the Bishops in their Spiritual Courts, or Courts Christian, have no power by Law to Excommunicate any person, let the Crime be what it will, unless by the King's Authority, and with His Commission under the Broad Seal. This will appear most plainly, by the several Acts of Parliament that relate to Spiritual Jurisdiction, a short Account thereof, with the Arguments, were published some time since, in a Book, Intituled, *The Bishops Court dissolved*, Printed in 1680. And see Mr. *Hickeringill*'s Books, one of their own Tribe: But not to build upon those Books, look into the several Statutes since the 21 of *Henry* VIII. and you will find their whole coercive Power taken from them. And if you compare the Statutes of *Hen*. 8.

[illegible] Stat. *Eliz*. [illegible] the [illegible]ook cal[illegible], the Bi[illegible]ops [illegible]urts [illegible]olved.

1 *Eliz*.

1 *Eliz. Edw.* 6. and ſo all along, to 16 *Car.* 1. and the 13 of this King; you will find not only their whole Power taken from them, as to their adminiſtring of Oaths, but that all they have done and acted ſince the laſt Act of Indempnity, is againſt Law, and the Biſhops and Judges of Spiritual Courts throughout *England*, are all guilty of a *Præmunire*, if the King of *England* ſhall queſtion them for it; and they are at this day liable to be Indicted or Sued by Action, at the Suit of the Party grieved for Damages, by all ſuch as they have at any time Excommunicated in their Courts, ſince the laſt Act of Grace: But to leave the further diſcourſe of this matter till another opportunity.

And ſince the Juſtices have deſired my Lord Biſhop of *London* to Excommunicate at his Pleaſure, or as his Wiſdom ſhall think fit, it may not be amiſs for the Biſhop to take notice of their unkind treating of him in their very next deſire; for, as if they diſtruſted his underſtanding in the ways and methods of Excommunication, they go on and lay down Rules for him to obſerve, that is, viz. *That the Lord Biſhop will direct, that ſuch Excommunications may be publiſhed in the Pariſh-Churches where the Excommunicated live.*

Now what is this, but to tell the Biſhop, they doubt he doth not underſtand his Trade ſo well as they, which ſure is a very great piece of Incivility to their Ghoſtly Fathers; for the good Father well knows, that no man can be fully Excommunicated, but it muſt be read in the Pariſh-Church where the Excommunicated live. But I doubt not but the Biſhop will be pleaſed to forgive this their Sin of Ignorance in the Eccleſiaſtical Laws, when they appear ſo ignorant in their own Trade of the Common or Statute Laws, as to make ſuch Orders as theſe. But leaſt we draw the anger of the next Seſſions upon us, we will mind but one thing more in their Order, ſo reſembling the King's Proclamation, and that is ſo excellent a thing, that it far ſurmounts all the reſt; for in the next place they tell you, *viz.*

And for the further promoting of the Union of all His Majeſties Proteſtant Subjects, (Ay, there it is) *it is Ordered by this Court, That the Juſtices of the Peace in their ſeveral Diviſions, take care that the Statutes* 1 Eliz. *and* 3 Jacobi, *be put in due Execution, for levying One ſhilling upon thoſe perſons that do not come to their Pariſh, or ſome other Church or Chapel*, &c. *which is to be applied for the Relief of the Poor*, &c. *It is hoped by this Court, that this pious and charitable Work will not be neglected*, &c.

For Anſwer to this laſt Part, we muſt conſider both the Care, Charity and Good-will of the Juſtices here towards the Proteſtants, for till now you hear not a word of Proteſtant Subjects; and if they had miſſed it here, I cannot well tell how this Order could have eſcaped the ſentence of a Popiſh Order; but this clears the Point. However, for theſe Juſtices Order to adviſe one another to put the Laws of 1 *Eliz.* and 3 *Jacobi* in Execution againſt Conventiclers, as if thoſe Acts related to the Conventicle

Act, is ſomething ſtrange; but I ſuppoſe we ſhall find they did this by gueſs too, as all the reſt of the Order, hoping, it may be, they never read thoſe Acts, or at leaſt it being ſo long ſince they have read them, that they have totally forgot them; for if they had remembred the ſubſtance of thoſe 2 Acts, they could not have been ſo miſtaken, as to bring them in play to puniſh Conventicles, thoſe Laws being only made againſt the Papiſt, and none elſe, as will appear by and by. But firſt it will not be amiſs to take notice how the Juſtices in this Order interweeve one Act with another, and not only ſo, but endeavor all the Puniſhments both that the Church and the State can inflict upon the Conventiclers, double and treble Puniſhments, and all is, becauſe but a few Subjects, as they call them; do differ from the Church of *England* in ſome Ceremonies, not in Doctrine at all. But that which I mean is this, the Juſtices are not ſatisfied with a ſingle Puniſhment for one and the ſame Fact, but that they ſhall be proſecuted by them firſt, and then Excommunicated, and then pay 12 *d.* a-week, all at a time. To ſhew their Error, and better inform their Judgments, if they pleaſe to conſider all Laws made for or concerning any ſuch Church-matters, do provide, That if the Parties offending be once puniſhed by the Civil Magiſtrate, or once puniſhed by the Church-Cenſures, the Party ſo puniſhed by either of them, ſhall plead to the other Court that he was Sued or Proſecuted before in another Court for the ſame thing, which Plea ſhall abate the Action or Libel. To prove this, you will find it Enacted in the very Statute the Order mentions, 1 *Eliz. Cap.* 2. *Sect.* 24. And ſince we are now upon this Act as a farther Confirmation of what has been before touched on, That the Juſtices, as a Court of Seſſions, have no Power to act upon the Conventicle Act, there being in that Act no power given them in that Act aforeſaid, ſo to do as in other Acts there is, to confirm it further in this Act of 1 *Eliz.* there is a Clauſe on purpoſe: *That the Juſtices of Oyer and Terminer, and Gaol-Delivery, and Seſſions of the Peace, ſhall have power in their Seſſions to hear and determine all Offences committed againſt that Act.* And if thoſe Juſtices of *Middleſex* can find ſuch a Clauſe in the Conventicle-Act, then undoubtedly they are right, and their Orders of Seſſions, and General Warrants of Seſſions good; but unleſs they can produce ſuch a power in that Act, I am ſure their Orders and Warrants are Illegal and Arbitrary: But as to the Union mentioned hereof, the Proteſtants, and the Charity they intend to the Poor, by gathering the Forfeitures of the Act to be given to the Poor; Was it ever known before, that Force and Proſecution of Penal Laws againſt one another, was a way to Union? Doth not Natural Reaſon tell us, That *Engliſh-men* are to be dealt with by Lenity, Perſuaſion, and ſtrong Arguments? Force did never yet work upon *Engliſh-men*, but Flattery hath: And doth theſe Juſtices think, That becauſe they are intruſted with the Peace of *Middleſex*, they are intruſted with the Souls, Minds

and

and Consciences of Men? Now if they have that Trust too, then I confess all is well, and an Union will be had by their forcing without doubt, otherwise not. But I have this reason to believe, that an Union cannot be had this way, by prosecuting Men, because I well know, that if their Commissions were as large again as they are, yet they cannot force Love and Union; nor they cannot make a Man believe by Force, though they may make a Man for Fear say he believes. And as to their Charity and Good-works, as they call it, of prosecuting the Conventiclers for not coming to Church, it cannot sink into any reasonable Mans brains, that the Poor will be much the better for that Charity which comes by Blood; that is, the forcing of Mens Consciences, methinks it looks like strange Charity.

But as to the two Acts mentioned, that of 1 *Eliz.* and 3 *Jacobi*, and all other Acts that are made against *Popish Recusants*, which are now by these Justices, and divers others, designed to serve a turn against *Dissenting Protestants* from the Church of *England*, in defiance of the thing called Parliaments; for they have declared the Laws before-mentioned, and all others made against *Popish Recusants*, ought not to be put in Execution against the *Protestant Dissenters*; and to be farther assured of that, see the Vote, viz. "*Sabbati sexto* "*die* Novembris 1680. *Resolved*, Nemine Contradicente, *That it is the Opi-* "*nion of this House, That the Acts of Parliament made in the Reigns of Queen* "Elizabeth *and King* James *against Popish Recusants, ought not to be extended* "*against Protestant Dissenters.*

But we must have a care too, that the naming of Parliament Votes, especially the House of Commons, do not make worse for the Protestant Cause; for in Truth, the House of Commons have been so run down, that for any one now to but speak of them, or their good Votes and Intentions, is to be stigmatized for a down-right Disloyal Person. Well then, since those Laws are threatned to be turned against Protestant Dissenters from the Church of *England*, which Church was made by an Act of Parliament, called the Act of Uuniformity in the 13th, and 14th of this King, it may not be amiss to understand them what they are, and how many they are, and the occasion of making them against the Papist, that so the Protestants may make the better Defense against them, if those Justices, or any other, shall make use of them as this Order seems to drive at We will begin with the first, which is that mentioned in the Order, *viz.* 1 *Eliz.* cap. 2. *&c.* This Act was made immediately after the Queens coming to the Crown, when she found nothing but Papists and Protestants in general; for the word Puritan in those days was not known, the light was not then so clear, but she, being a good Protestant, and resolved to support that Religion with her wise Council, cast about how to do it, that the indifferent and moderate sort of Papists might not be disgusted and frightned from a closing with the Protestant Religion, and therefore on mature deliberation, it was concluded to go on gently as to the Reformation,

See St 13 an Car. 2.

mation, and not throw off all the Superſtitious Ceremonies at once, and therefore having a Pattern of Proteſtant Diſcipline made in King *Edwards* time, ſhe follows thoſe Steps as near as may be in the beginning, grafting upon King *Ed.* 6 Stock, or rather Foundation, which he by his wiſe and honeſt Councel layd, and therefore the firſt Act ſhe paſſed, was to take off the Juriſdiction of the See of *Rome*, and all coercive Power whatſoever from Eccleſiaſtical Perſons, and all was annext to the Imperial Crown of *England*, ſo the Act 1 *Eliz cap.* 1. The Title of that Act is, viz. *An Act to reſtore to the Crown the Antient Juriſdiction over the Eſtate Eccleſiaſtical and Spiritual, and abolishing all Forreign Powers Repugnant to the ſame.* And in this Act power is given to the Queen to grant Commiſſions under the Broad Seal of *England*, to ſuch Biſhops and Laymen as ſhe ſhould appoint to hold Eccleſiaſtical Courts, and none might do it without upon pain of a Præmunire, ſee more of this Sect 15, 16, 17, 18. and by this Act was repealed, all Laws made in the time of Queen *Mary*, for ſetling the Popes Authority in *England*.

The next Act was that mentioned in the Order which is called, *viz.* *An Act of Uniformity and Common Prayer and Service in the Church and Adminiſtration of the Sacraments.* Now this Common Prayer Book was compoſed and taken out of the Maſs uſed before *Ed.* 6. Time, and the way that was then taken to bring the Papiſts over to conform to it, was to tell them, as in truth it was, but the Maſs turned into *Engliſh* for their better underſtanding, and till the People were a little uſed to the Proteſtant Religion, it was not thought rational to leave off all the Ceremonies at once, but by degrees, ſee the wiſe Courſes of thoſe times. Now to prove that this Act was only intended againſt Papiſts, is moſt plain, becauſe the whole Act runs for the beating down of Popiſh Fopperies and Superſtitions of the Church of *Rome*; and then again, it is impoſſible it could be intended againſt any ſort of Proteſtants, for at that time a day there was but two ſorts of People in *England*, *viz.* Proteſtants and Papiſts, now for the penalty of this Act, it is very various, but as to the coming to Church it is 12*d.* a Week, and this to be levied by the Church-Wardens and Over-ſeers of the Poor, but I confeſs Church-Wardens *&c.* muſt have a Warrant before they can diſtrein, and that the Seſſions have power to do upon Conviction, ſee ſect 14, and 15. But other offences Committed againſt the Act, muſt be tryed by Peers, ſee Sect 21. So that upon the whole matter, if the Juſtices ſhall Execute this Act upon the Proteſtant Diſſenters from the now Eſtabliſhed Church of *England*, yet the labour is more than the profit, and therefore can do no great hurt.

The next Law in Force againſt Popiſh Recuſants, is the 23 Eliz. cap. 1. *Intituled, An Act to retain the Queens Majeſties Subjects, in their due obedience*; which begins thus, *viz.* "*Where ſince the Statutes made in the* 13 *year of* "*the Reign of the Queen our Sovereign Lady, Intituled, An Act againſt the bring-*"*ing in, and putting in Execution of Bulls, Writings and Inſtruments, and other*

ſuperſtitious

" *superstitious things from the See of* Rome, *&c.* And in the 5th *Section* of the said Act, it goes on, after divers Commands, against Popish Recusants too, *viz.* " *Be it also Enacted by the Authority aforesaid, that every one above the Age of* " *Sixteen Years, which shall not repair to some Church, Chapel, or usual place of* " *Common-Prayer, but forbear the same, contrary to the tenor of a Statute* " *made in the First year of Her Majesties Reign,* &c. *And being thereof law-* " *fully Convicted, shall forfeit,* &c. *for every month,* &c. *which he or she shall* " *forbare, Twenty Pounds,* &c.

And besides the said Forfeitures, " *Every person so forbearing by the space* " *of Twelve months, as aforesaid, shall for his or her obstinacy, after Certificate* " *thereof, in Writing, made unto the Commissioners, commonly called the Kings-* " *Bench, by the Ordinary of the Diocess, Justices of Assize, Gaol-delivery, or* " *Justices of Peace of the County where the Offender shall dwell, be bound with* " *two sufficient Sureties in the Sum of* 200 l. *at least, to the good Behavior,* &c. So that the whole drift and design of these two Acts, appears most clear to be against Papists, and Popish Superstitions, for every Clause of the Act plainly speaks the same, and to put this Act in Execution against the Protestants would be most absurd. " Sect. 9. *The Justices at the Quarter-Sessions shall have power* " *to inquire into the Offences against this Act, except Treason. And in case a* " *person were Indicted upon this Act, yet if he would conform in open Court,* &c. " *that should discharge him of all but Treason mentioned in the Act, so that the* " *conforming were before Judgment given,* Sect. 10.

The next Statute is of 29 *Eliz.* cap. 6. Intituled, " *An Act for the more* 29 El. cap. 6. " *speedy and due Execution of certain Branches of the Statute made in the* 23 " *year of the Queens Majesties Reign*, Intituled, *An Act to retain the Queens* " *Majesties Subjects in their due Obedience.* This Statute is a further Explanation of the two former, and only makes the Penalties greater for *Popish Recusants* Convicted in not frequenting Divine Service once a month. And whereas the former Statute of the 23, was to be only 20 *l.* a month, and bound to the good Behavior after Conviction, this gives power to the Queen and her Heirs, to take 20 *l.* per month for every month after such Conviction, till they shall Conform; and if default be made of payment of the 20 *l. per mensem*, then the Queen may seize all their Goods, and two parts of the Real and Personal Estate. See the Act, *Sect.* 4.

And in the next Paragraph of this Statute, Power is given, That after the Indictment found by the Grand Jury, that Proclamation shall be made at the Assizes, Sessions, or Gaol-delivery, for the Person to appear; and if he do not appear the next Assizes, Sessions, *&c.* he shall stand absolutely Convicted. See *Sect.* 5. more at large.

The next Statute against *Popish Recusants*, is 1 *Jac. cap.* 4. which confirms 1 Jac. cap. 4. all the former Statutes made against *Popish Recusants* in the Queens time, with some small additions touching their being discharged, though Convicted, upon their

their Conformity to hear Divine Service, as by those former Acts of Hers directs; and that it plainly appears to mean and intend none but *Jesuits*, and *Popish Priests*, and other *Popish Recusants*, appears manifestly, not only in the Title, but in the first *Section* of the Act it self, and so throughout; the Title is, viz. *An Account for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants*, and begins thus, *viz.*

'*For the better and more due Execution of the Statutes heretofore made as well* '*against Jesuites, Seminary Priests, as also against all manner of Recusants, Be it* '*Ordained and Enacted by this present Parliament, That all and every the Sta-* '*tutes heretofore made in the Reign of the late Queen of famous Memory* Eliza-'beth, *as well against Jesuits, Seminary Priests, and other Priests, Deacons, Re-* 'ligious *and Ecclesiastical persons whatsoever made, ordained, or professed, or to be* 'made, *ordained or professed by any Authority or Jurisdiction derived, challen-* 'ged *or pretended from the See of* Rome, &c. *together with all those made in* 'the *said Queens time against any manner of Recusants, shall be put in due and ex-* 'act *Execution*, &c. So that by this Act, and all the Clauses in it, can mean nor intend nothing but what the former did, which was against *Popish Recusants*.

The next Act against *Popish Recusants*, is 3 *Jacob. cap.* 4. *viz.* Intituled, *An* Jacob. 4. *Act for the better discovering and repressing Popish Recusants*, it begins thus: '*Forasmuch as it is found by daily Experience, that many of His Majesties Sub-* 'jects *that adhere in their hearts to the Popish Religion, by the Infection drawn* 'from *thence, and by the wicked and devilish Counsels of Jesuits, Seminary* 'Priests, *and other like persons, dangerous to the Government of the Church and* 'State, &c. *as evidently appears by that more than barbarous and horrible attempt* 'to *have Blown up, with Gun-powder, the King, Queen, Prince, Lords and Com-* 'mons, *in the Houses of Parliament assembled*, &c.

This shews plainly the Act was designed against the *Papists* only, not only by the Title, and the words of the Act rehearsed, but that the reason of making this, as you will see, was, because of the *Powder-Plot*; and the purport of this Act all along, is only to reinforce all the rest of the Acts against *Popish Recusants*, in not coming to Church, and to discover them by the Test, and receiving the Sacrament once a year, as an additional Tryal of the reality of the *Papists* Conforming: For that it appears in the next *Section* of the Act, That some of them did come to Church, and heard Divine Service, to save the Penalties in the former Acts, and yet continued *Papists* in their hearts: Therefore by this Act they were all to take the Sacrament once a year. See *Sect.* 3. which Enacts, *viz.* '*And if any Recusant so conformed, shall refuse to* 'take *the said Sacrament of the Lords Supper accordingly, he or she shall for such* 'not *refusing, lose and forfeit for the first year* 20 l. *and for the second year, for* 'such *not receiving* 40 l. *and for every year after, for such not receiving*, 60 l. 'until *he or she shall have received the said Sacrament*, &c.

And

And by the fourth Section of this Act, the Church-Wardens and Constables, are to Present the Monthly Absence from Church of all, and all manner of Popish Recusants, within their Town, &c.

Which by the way, it is to be observed from this Act, that no man can be Prosecuted or Presented upon this Act, or any other, it intends, which are all the former rehearsed, unless they be Popish Recusants, for so are the expres words of the Act; and, without doubt, should any base Officer whatsoever Present or Prosecute any Person other than a Popish Recusant, the Person so Presented may join Issue that he is no such Person as these Acts intend, being not a Papist: Now these Acts also give the Justices, at their Sessions, Power to inquire into the Offences committed against the Acts; but in the Justices Order they have quite forgot the Popish Recusants, where they have a Power to do and meddle with that wherein they have no Power, and therefore ought to make that good Confession in the Book of Common-Prayer, *viz. We have left undone those things which we ought to have done, and have done those things which we ought not to have done and there is no truth in us.* These are all the Acts that are now in Force against Popish Recusants, for not coming to Parish Churches, and taking the Sacrament as the Act directs; and because it may as well appear what is or hath been made against the Puritan Sectaries and Conventicle, I shall here briefly set them down in order, and to begin with the first, and that is the Statute of 35 *Eliz.* cap. 1. Intituled, *An Act to retain the Queens Majesties Subjects in their due Obedience.* 35 *Eliz.* cap. 1.

And the Reader will find that this is the first Law that ever was made against Sectaries and Seditious Conventicles, and this Act is indeed, beyond all dispute, only made against them, and the Popish Recusants are excepted out of it, as will appear by the Act; And because the Reader may the better judg the true difference between this Act and those made against Popish Recusants, as to the very expres Terms: I have here inserted, *verbatim*, the first Paragraph of the Act: The Act begins thus, *viz.*

'For the preventing and avoiding of such great inconveniences and perils as might happen 'and grow by the wicked and dangerous practices of Seditious Sectaries and Disloyal Persons, 'Be it Enacted by the Queens most Excellent Majesty, and by the Lords Spiritual and Tem-'poral, and the Commons, in this present Parliament Assembled; and by the Authority of the 'same, That if any Person or Persons, above the Age of sixteen years, which shall obstinately 'refuse to repair to some Church, Chappel, or usual place of Common Prayer, to hear Divine 'Service, established by Her Majesties Laws and Statutes in that behalf made, and shall forbear 'to do the same by the space of one Month next after, without any lawful cause, shall at any 'time after forty days next, after the end of this Session of Parliament, by Printing, Writing, or 'Expres Words, or speak advisedly, or purposely Practice, or go about to make, or perswade 'any of Her Majesties Subjects, or any other within Her Highnesses Realms or Dominions, to 'deny, withstand or impair Her Majesties Power and Authority, in Cases Ecclesiastical, Uni-'ted and Annexed to the Imperial Crown of this Realm; or to that end and purpose shall advi-'sedly, or malitiously move, or perswade any other Person whatsoever, to forbear, or abstain 'from coming to Church to hear Divine Service, or to receive the Communion, according to 'Her Majesties Laws and Statutes aforesaid, or to come to, or be present at any unlawful Assem-'blies, Conventicles or Meetings, under colour or pretence of any Exercise of Religion, con-'trary to Her Majesties Laws and Statutes; or if any Person or Persons which shall obstinately 'refuse to repair to some Church, by the space of one Month, to hear Divine Service, as is afore-'said, shall after the said forty days, either of him, or themselves, or by the motion, perswasion, 'inticement or allurement of any other, willingly join in, or be present at any such Assem-'blies, Conventicles, or Meeting, under colour or pretence of any such Exercise of Religion, 'contrary to the Laws and Statutes of this Realm as is aforesaid, that then every such Person so 'offending, as aforesaid, and being thereof lawfully Convicted, shall be committed to Prison, 'and there to remain, without Bail or Mainprise, until they shall conform and yield themselves to 'come to some Church, Chappel, or usual place of Common Prayer and hear Divine Service, &c.

The next Clause is, if they did not Conform within three months after Conviction, they were to be banished, and so the Act goes on to Felony at last, as you may see more at large in the Statute.

And to shew that this Act was wholly intended against the *Sectaries* or *Puritans* so called in those days, and not against the *Popish Recusants*, is clear by what hath been laid down; but that it may not be objected by the Enemies of the *Dissenting Protestants*, now that all those Acts, as well as this, are to be taken and Construed in Law to be one and the same, and that all the aforementioned Acts of *Eliz*: and King *James* are equally to be applyed to all Dissenters from the Established Church of *England*, I do say and affirm, that cannot be; for the *Popish Recusants*, by this Act, are not at all touched, nor could be Prosecuted upon it: For that in the 12 *Sect.* of this Act, it is there particularly provided, *that no Popish Recusant, or Feme-Covert shall be compelled or bound to abjure by vertue of this Act.* Then it necessarily follows certainly, if the *Popish Recusants* shall not be punished by this Act made against Sectaries and Seditious Conventicles, That these *Sectaries* and *Conventiclers* being *Protestant Dissenters*, as their Adversaries will have it, *Protestant Recusants*, for that is it they aim at, to colour the laying the other Acts upon them, That then these *Protestant Sectaries, Conventiclers*, or *Protestant Recusants* shall not be Prosecuted upon those Laws made only against *Popish Recusants*, for if it should be, then you leave the *Protestant Recusants* in a far worse Condition than the *Papist*, the one being provided for, and not the other. 12.

But that I have said about this Act, comparing it with the other made against Popish Recusants, is only to shew the unreasonableness of the Justices opinion; for the Reader must know that I have only mentioned this Act of the 35th. of *Eliz.* but to shew the nature of the one as well as the other; for that this Act of the 35th. *Eliz.* is not in force now, although it is confessed it was thought to be in force until the expiration of the Conventicle Act, made in the 16th. Year of this King: but both expired about one Year since; for that of *Eliz.* and the Act of the 16th. of this King were in nature one and the same. And that of the 16th. of this King, did as some think revive the 35th. of *Eliz.* by declaring it in force: but how long? Why it could not be declared for a longer time than it self lived; which dyed about the time aforesaid, both being but Temporary Acts. And indeed it was a happy turn for this Nation; for had those two Acts been in force, which were sanguinary Laws, much mischief might have accrued to the People of this Kingdom: but, God be thanked they are gone, and have left none behind them to punish the Conventiclers, and the Nonconformist Ministers, who did not conform to the Act of Uniformity made in this Kings Reign: But the Conventicle Act made the twenty second of this King, and the Act commonly called the Five Mile, or *Oxford* Act; which is all can be raked up against the Dissenting Protestants by Law, as I conceive at this day; which two Acts I shall a little consider, and first for the *Oxford* or Five Mile Act, made in the 17th. of this King *Cap.* 2. Intituled, An Act for restraining Noncunformists from Inhabiting in Corporations: by this Act all such Persons as are in Holy Orders, Ecclesiastical Persons as well as others, that did not conform to the Act of Uniformity, made the 14th. of this King, and shall take upon them to Teach or Preach, *&c.* in any Meeting, Parish-Church, *&c.* shall forfeit for every such Offence the summ of 40. *l.* to be inquired of in any Court at *Westminster*, or Oyer and Terminer; Great Sessions of *Wales*, or Justices of the several Quarter-Sessions of the Peace; the forfeiture, one third to the King, one third to the Poor, and one third to the Informer, and in the same Act, *Sect.* 3. and 4. No such Minister, Teacher, *&c.* shall teach School, or live, inhabit or abode in any Corporation, or within five Miles of the same, or where he last had a Benefice, or near any Borrough that sends any Members to Parliament, upon the Penalty of 40. *l. &c.* Car. 2. 2.

But note, that if on a Jury he may pass or live in any such Corporation, or appear upon Summons or *Sub-pena*, In the 5th. *Section* two Justices together in any County, where the Offence is committed, upon Oath to them made of the Offence against this Act, to commit

mit the Offender to Prison for six Moneths without Bayl, &c. unless the Party so brought before the Justices will take the Oath mentioned in the Act, which is, *viz. I A. B. do swear that it is not lawful upon any pretence whatsoever, to take Arms against the King, and that I do abhor that Trayterous position of taking Arms by his Authority against his Person, or against those that are commissioned by him, in pursuance of such Commissions; and that I will not endeavour any alteration of Government, either in Church or State.*

These are the Penalties of this Act, and if a Person be so convicted before the Justices, if he takes this Oath, he saves himself from their Power, and from the Imprisonment, which is, all they can do out of a Court of Sessions, the two Justices having not Power to convict as to the 40. *l.* Penalty.

And as for the Act of the twenty second of this King, for suppressing seditious Conventicles, under pretence of Religious Worship, where the Conventiclers meet together, under a pretence of Religious Worship, and not according to the Liturgy and Practice of the Church of *England*; if any such there be, the Justices knowing such by the Oath of two Witnesses, may make a Record thereof, and the Persons so offending and convicted before them; the Justices have power to Issue out their Warrants to the under Officers to levy the summ of 5. *s.* a piece upon each Hearer, and 20. *l.* upon the Preacher, and 20. *l.* upon the House, and in case of Insufficiency of the Hearers 10. *l.* upon any Person present at the same Meeting, in lieu of such conceived not able to pay, and it must appear upon Oath before those Justices by two Witnesses, or confession of the Parties that it is a seditious Conventicle met together, for the disturbance of the Peace, under pretence of Religious Worship, and it must also be sworn before any Conviction can be had against any man or Woman, that the People that were met together, was not according to the Liturgy and Practise of the Church of *England*; which is next to impossibility, to do in the Case of most Meetings in *London* and *Middlesex*, and whoever acts upon that Act must be sure he goes not beyond the last: but they that shall act as the Order of the Justices Commands, outruns both the Law, and the Constable that must answer for the same at the pleasure of him or her that is agrieved, and all the Wit in the Justices head cannot save them, that do act such things as in that Order is contained; for the Law will find them out, though for a time they may save themselves from the Power of a Parliament, whom they seem to affront, and scorn, by acting contrary to the very sence of the Nation, declared by their Representatives.

I shall only add some small Notes of Directions to the Constables, and Under-Officers, who may easily be led into a Snare by such Orders and General Warrants, and when they are in, will find it hard to get out.

And first I affirm, That no Constable ought to execute any Order at all, as an Order of Sessions, or a General Warrant from the Sessions, in prosecuting this Conventicle-Act, for the Law has plainly prescribed another Prosecution, and they must exactly follow it, and not meddle with any other form or manner than as the Law directs; and the Constables are not to be afraid of the Justices, for they are as well punishable, if they act contrary to Law, as the Constables and Under-Officers are, either by Indictment, or Action of the Party grieved.

And as for their General Warrants, printed and dated the 21 of *January*, I conceive them to be as Arbitrary and Illegal, as their Order of Sessions, for that it commands them to turn Informers upon their Oath to the Justices at *Hicks's-Hall*. Now under their favor, there is no such thing can be done; for the Sessions, as is before declared, have no power in the matter; and if they had, they cannot force a man to be an Informer upon his Oath, or otherwise, whether they be Constables, or other Officers or not.

In a

In the next place, General Warrants are not legal to apprehend any man upon ſuſpicion of a Fact that may, or is like to be committed; and that Officer that acts by ſuch General Warrant, if he ſhall apprehend any Perſon thereon, and it prove that the Perſon ſo apprehended be innocent of the Crimes charged upon him, the Conſtables, or other Officer, are accountable for the ſame as falſe Impriſonment, for that General Warrant will not bear the Officer harmleſs.

In the next place, as to breaking open of Doors, the Conſtable had beſt have a care of that too; for if through a wrong Information he break open any door other than the Act directs, which is only the Meeting-houſe in caſe of Refuſal to enter, the Conſtable may be undone, notwithſtanding his Warrant.

Nor will the Act bear any Conſtable or other Officer out, for doing any thing about the *Conventicles*, unleſs he have firſt a Certificate of ſuch a Meeting from ſome Juſtice of Peace, and then he may go; and if he find any Seditious *Conventicles* which tends to the breaking the Peace, he ought to execute his Warrant ſo far as is agreeable to the Act, but to turn Informer, Promoter, or Eaſtee-man, unleſs in caſe of a Riot, or ſuch like, the Conſtable can do no ſuch thing but at his own Peril.

In the next place, the Warrant commands you the Conſtables to aſſemble the Headboroughs, Churchwardens, *&c.* to agree together for putting the ſaid Order in execution.

This you may do if you will, or let it alone, and much better than do it, for this is to make your Office more burdenſom than ever the Law intended it, and is more than all or any Juſtice in *England* can command you; for the thing they command you is not warranted by Law, nor is it practicable, nor indeed ſcarce poſſible, and the very Juſtices themſelves muſt own it, if they conſider this, how impoſſible it is for any number of Men to be forced to agree together; I would have the Juſtices explain themſelves what they mean by it, that you ſhall force them to agree with you Conſtables. Will they order you to beat them, or impriſon them, or put them in the Stocks, if they will not agree with you the Conſtables? But if you have ſuch an Order, and are reſolved to obey it, take care you have good Security from the Juſtices to indemnifie you, or elſe it may chance you may ſuffer as a Conſtable, though not as a Juſtice.

Then in Caſe a Certificate ſhall come to your hands under the Juſtices Hands, of a Meeting in ſuch a place, if you meet it you may go, but if you find none, you are not obliged to go the ſecond time upon the ſame Certificate, without a freſh notice, unleſs you want work; and if you find any Meeting and ſee any perſons there which are named in your Warrant, you ought to bring them if you can, but for the Juſtices to impoſe on you the Conſtables the proof againſt ſuch as you find, that the Juſtices cannot do unleſs you will your ſelf, and to force the Officer to ſwear that goes to ſeize, is almoſt impoſſible; for unleſs the Officer were there all the time of the Meeting, he cannot ſwear it a Conventicle; for he muſt ſwear what the people did, and that there was nothing done all the whole time of the Conventicle, but what was contrary to the Liturgy, and practice of the Church of *England*; and how any man can do that, it ought to be well conſidered before it be done, leſt he pay for it another day.

FINIS.